THE HON'BLE MS JUSTICE G.ROHINI

–

WRIT PETITION NO : 18005 of 2002

Dated: 14-02-2006

Between:

The A.P.Power Generating Employees Union,

Rep., by its General Secretary, V.Sivasankara Rao.

..... PETITIONER

AND

The Commissioner of Labour, Government of A.P.,

Hyderabad and two others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 18005 of 2002

O R D E R:

The Writ petition is filed by the A.P. Power Generating Employees Union, VTPS, Ibrahimpatnam, seeking a declaration that the alleged action of the

respondents in not conducting elections for recognition of trade union of A.P. Genco in compliance of the orders of this Court dated 12-02-1999 in W.P.No.36486 of 1998 as arbitrary and illegal.

For proper appreciation of the controversy involved, the facts, in brief, may be noted as under:-

Under Act 30 of 1998, the erstwhile A.P. State Electricity Board (APSEB) was dissolved and two Corporations namely A.P. Power Generation Corporation Limited and A.P. Transmission Corporation Limited were constituted. It is not in dispute that the said two Corporations are the successors in interest of the administration of the erstwhile APSEB. Prior to dissolution of the APSEB, the APSEB Employees Union filed W.P.No.36468 of 1998 seeking a declaration that the order passed by the second respondent-Additional Labour Commissioner-cum-Chief Returning Officer A.P. Hyderabad dated 17-12-1998 as arbitrary and illegal. This Court having heard both the parties, by order dated 12-02-1999, disposed of W.P.No.36468 of 1998 with the following directions:

> *"Therefore, I direct the successors in interest of the erstwhile APSEB administration to deposit the sum of Rs.2,00,000/- as requisitioned by the Additional Labour Commissioner-cum-Chief Returning Officer to meet the expenses of the secret ballet within a period of two weeks from the date of receipt of a copy of this order and thereafter, the Additional Labour Commissioner-cum-Chief Returning Officer, A.P., Hyderabad shall take necessary steps to conduct and conclude secret ballet without much loss of time."*

However, the said order has not been implemented and the respondents have been dodging the issue for years together. In the circumstances, the petitioner-Union, which was registered in the year 1998 and claims to have been possessing the highest number of members, made a representation dated 14-08-2002 to the Commissioner of Labour requesting to conduct election for recognition of the majority union in terms of the directions in W.P.No.36486 of 1998. Since, there was no response, the present writ petition has been filed.

In the counter affidavit filed on behalf of the Additional Commissioner of

Labour, it is stated that in terms of the orders of this Court in W.P.No.36486 of 1998 the A.P. Generation Corporation as well as A.P. Transmission Corporation are required to deposit a sum of Rs.2,00,000/- towards expenditure for holding elections, however, they have not yet deposited the said amounts, hence, the elections could not be conducted.

It is relevant to note that as against the order in W.P.No.36468 of 1998, the A.P. Genco filed Writ Appeal No.237 of 2000 in which a Division Bench of this court granted stay of operation of the order in W.P.No.36486 of 1998 to the extent of depositing Rs.2,00,000/-. However, subsequently, by order dated 14-07-2005, the writ appeal was dismissed.

In the circumstances, as rightly submitted by the learned counsel for the petitioner, the order in W.P.No.36468 of 1998 has become final and both the third respondent-A.P. Genco as well as the A.P. Transco are bound to deposit a sum of Rs.2,00,000/- towards expenditure for conducting the elections.

Accordingly, the writ petition is disposed of with a direction to the third respondent to deposit the amounts towards the expenditure for conducting elections in terms of the orders of this Court dated 12-02-1999 in W.P.No.36486 of 1998 within a period of two weeks from the date of receipt of a copy of this order and thereafter, the respondents 1 and 2 shall take necessary steps to conduct the elections strictly in accordance with the directions in W.P.No.36486 of 1998. No costs.

_____

G.ROHINI,J

Dated:14-02-2006

Klp